

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No. 7:02-CR-9-01-F1

UNITED STATES OF AMERICA,

v.

JERMAINE PIERRE THOMAS,  
Defendant.

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**ORDER**

The court has reviewed the defendant's Motion for Sentence Modification [DE-95], in which the defendant asks that the court reduce his sentence by retroactively rejecting the 100:1 crack/cocaine ratio and resentencing him by applying either a 20:1 ratio, or no differentiation at all. The court denied Thomas's Motion for Retroactive Application [DE-87] on February 29, 2008, on grounds that Amendment 709 to the Advisory Sentencing Guidelines was inapplicable to him because he had been convicted of an offense involving more than 4500 grams of cocaine base (crack).

Having reviewed the file in this case, the court, in its discretion, DENIES the defendant's Motion for Sentence Modification [DE-95].

SO ORDERED.

This the 12<sup>th</sup> day of July, 2010.

  
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JAMES C. FOX  
Senior United States District Judge